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10 **BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**
11

12 In the Matter of the Accusation Against:

PT Case No. 1D 2006 64789

13 **JENNIFER LYNN RATLIFF,**
1271 Rose Avenue
14 Redding, CA 96001

A C C U S A T I O N

15 **Physical Therapy License No. PT 17095,**

16 Respondent.
17

18 Complainant alleges:

19 **PARTIES**

20 1. Steven K. Hartzell ("Complainant") brings this Accusation solely in his
21 official capacity as the Executive Officer of the Physical Therapy Board of California ("Board").

22 2. On January 14, 1991, Physical Therapy License number 17095 was issued
23 by the Board to Jennifer Lynn Ratliff (hereinafter "respondent"). At all times relevant to this
24 proceeding said license has been in full force and effect and will expire unless renewed on
25 October 31, 2008.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the
28 following sections of the Business and Professions Code:

1 A. Business and Professions Code section 2609 of the Physical
2 Therapy Practice Act provides that the Board shall take action against any licensee who is
3 charged with unprofessional conduct.

4 B. Section 2660 of the Code provides, in part, as follows:
5 “The board may, after the conduct of appropriate proceedings under the
6 Administrative Procedure Act, suspend for not more than 12 months, or revoke, or
7 impose probationary conditions upon any license, certificate, or approval issued
8 under this chapter for unprofessional conduct that includes, but is not limited to,
9 one or any combination of the following causes:”

10 * * * *

11 “(d) Conviction of a crime which substantially relates to the
12 qualifications, functions, or duties of a physical therapist or physical
13 therapy assistant. The record of conviction or a certified copy thereof shall
14 be conclusive evidence of that conviction.”

15 C. Section 2661 of the Code provides as follows:
16 “A plea or verdict of guilty or a conviction following a plea of nolo contendere
17 made to a charge of a felony or of any offense which substantially relates to the
18 qualifications, functions, or duties of a physical therapist is deemed to be a
19 conviction within the meaning of this article. The board may order the license
20 suspended or revoked, or may decline to issue a license, when the time for appeal
21 has elapsed, or the judgment of conviction has been affirmed on appeal or when
22 an order granting probation is made suspending the imposition of sentence,
23 irrespective of a subsequent order under Section 1203.4 of the Penal Code
24 allowing that person to withdraw his or her plea of guilty and to enter a plea of not
25 guilty, or setting aside the verdict of guilty, or dismissing the accusation,
26 information or indictment.”

27 D. Section 1399.20 of the California Code of Regulations provides, in
28 part, as follows:

1 “For the purposes of denial, suspension or revocation of a license, pursuant to
2 Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
3 considered to be substantially related to the qualifications, functions or duties of a
4 person holding a license under the Physical Therapy Practice Act if to a
5 substantial degree it evidences present or potential unfitness of a person to
6 perform the functions authorized by the license in a manner consistent with the
7 public health, safety or welfare.”

8 **RECOVERY OF COSTS**

9 4. Section 125.3 of the Code provides, in part, that the Physical Therapy
10 Board may request the administrative law judge to direct a licentiate found to have committed a
11 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
12 investigation and enforcement of the case.

13 5. Section 2661.5 of the Code provides, in part, that the Board may request
14 the administrative law judge to direct any licentiate found to have committed a violation or
15 violations of the licensing act to pay the Board the sum not to exceed the reasonable costs of the
16 investigation and prosecution of the case.

17 6. Respondent has engaged in conduct constituting a violation of Code
18 sections 2609 and 2660(d) of the Physical Therapy Practice Act as set forth in greater detail
19 herein below.

20 **FIRST CAUSE FOR DISCIPLINE** 21 **(Conviction of Crime Substantially Related)** 22 **[Bus. & Prof. Code § 2660(d)]**

23 7. On August 9, 2006, the District Attorney of Shasta County filed a criminal
24 complaint charging Respondent with multiple violations of the California Penal Code including
25 sections 148(A)(1), a misdemeanor, resisting, obstructing, or delaying a peace officer, and
26 647(F), a misdemeanor, public intoxication.

27 8. On or about January 5, 2007, in the Shasta County Superior Court,
28 Respondent entered a no contest plea to violating California Penal Code sections 148(A)(1) and
647(F), misdemeanors.

9. The acts of resisting arrest and public intoxication as alleged in the criminal complaint noted above and the entry of no contest pleas by respondent to the criminal charges concern conduct that is substantially related to the qualifications, functions or duties of a physical therapist.

10. Respondent's conduct as set forth in paragraphs 7, 8 and 9, above, constitute conviction of a crime in violation of Code section 2660(d).

PRA YER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physical Therapy Board issue a decision:

1. Revoking or suspending License Number PT 17095, issued to Jennifer Lynn Ratliff, PT.

2. Ordering Jennifer Lynn Ratliff, PT, to pay the Physical Therapy Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.5.

3. Taking such other and further action as deemed necessary and proper.

DATED: May 14, 2007.

Original Signed By:
STEVEN K. HARTZELL
 Executive Officer
 Physical Therapy Board of California
 State of California
 Complainant